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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,340	07/17/2003	Kenichiro Tsuda	8044-1027	8666
466	7590	01/07/2009	EXAMINER	
YOUNG & THOMPSON			HAMILTON, LALITA M	
209 Madison Street				
Suite 500			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,340	<b>Applicant(s)</b> TSUDA, KENICHIRO
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 March 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

The action is in response to the telephonic interview on April 10, 2008. The final rejection has been withdrawn, and a non-final follows.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer medium should be a tangible medium executed by a computer.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Balson (2003/0033240).

Balson discloses an electronic exchange for simulation comprising a simulation calculation service, a server system connected to a user terminal apparatus and a consultant terminal apparatus through a network, receiving a condition of the simulation calculation from the user terminal apparatus as a user presented condition, registering

the received user presented condition, receiving, from the consultant terminal apparatus, a bidding condition from a consultant in correspondence with the registered user presented condition, comparing the user presented condition with the bidding condition and selecting a bidding condition that coincides with the user presented condition, inquiring of the user terminal apparatus about whether the simulation calculation is to be executed on the basis of the selected bidding condition, and executing the simulation calculation in accordance with an answer to the inquiry (para.6-12, 227-229, and 273-278); estimating a price of the simulation calculation on the basis of the received user presented condition, and transmitting an estimation result of the estimated price to the user terminal apparatus and inquiring about whether the simulation calculation is to be executed (para.6-12, 227-229, and 273-278); the estimation step comprises the step of determining on the basis of the user presented condition whether the simulation calculation can be executed, and the inquiry step comprises the step of transmitting a determination result to the user terminal apparatus and inquiring whether the simulation calculation is to be executed (para.6-12, 227-229, and 273-278); when the answer to the inquiry indicates an instruction for changing the condition of the simulation calculation, estimating the price of the simulation calculation again (para.6-12, 227-229, and 273-278); billing a user who has requested the simulation calculation the estimated price, and paying an amount obtained by deducting a commission from the estimated price to a consultant who has made a successful bid for the simulation calculation (para.6-12, 227-229, and 273-278); causing the user terminal apparatus and the consultant terminal apparatus to access the server system

by using at least one of an Internet provider and a LAN (para.6-12, 227-229, and 273-278); inputting the user presented condition by using one of a browser and a graphical user interface prepared in the user terminal apparatus, and other input means, and displaying a result of the simulation calculation (para.6-12, 227-229, and 273-278); a user terminal apparatus which comprises simulation condition input means for inputting a simulation calculation condition, and user terminal communication means for transmitting the input simulation calculation condition as a user presented condition, a consultant terminal apparatus which comprises consultant input means for inputting a consultant bidding condition for the user presented condition, and consultant terminal communication means for transmitting the input consultant bidding condition, and a server system which comprises matching means comprising comparison means for comparing the user presented condition with the bidding condition, selection means for selecting a bidding condition that coincides with the user presented condition, and inquiry means for inquiring about whether simulation calculation is to be executed on the basis of the selected bidding condition, simulation means for executing the simulation calculation in accordance with an inquiry result, and transmission/reception means for transmitting the inquiry and receiving the user presented condition, the bidding condition, and an answer to the inquiry (para.6-12, 227-229, and 273-278); user terminal communication means and said consultant terminal communication means access said server system through at least one of an Internet provider and a LAN (para.6-12, 227-229, and 273-278); display means for displaying a simulation result (para.6-12, 227-229, and 273-278); executing estimation about the simulation

calculation on the basis of the user presented condition (para.6-12, 227-229, and 273-278); estimation means comprises price estimation means for estimating a price of the simulation calculation (para.6-12, 227-229, and 273-278); estimation means comprises calculation capability determination means for determining whether the simulation calculation can be executed (para.6-12, 227-229, and 273-278); comparison means compares the consultant bidding condition with a rank to identify a technical capability of a consultant who is to execute the simulation calculation (para.6-12, 227-229, and 273-278); comparison means selects the condition that coincide with the user presented condition on the basis of a priority of the simulation calculation condition (para.6-12, 227-229, and 273-278); charging means for charging for the simulation calculation (para.6-12, 227-229, and 273-278); encryption means for encrypting a signal to be transmitted (para.6-12, 227-229, and 273-278); trial calculation means for executing simulation calculation by way of trial for a non-member user (para.6-12, 227-229, and 273-278); authentication means for executing member authenticating, registration means for executing member registration of a user, and a DB which stores information of users who have already been registered as members (para.6-12, 227-229, and 273-278); information management means for transmitting an acknowledge signal for requested information in response to an access request, and storage means for storing a result of the simulation calculation (para.6-12, 227-229, and 273-278); simulation result analysis means for transmitting, to the user terminal apparatus, intellectual added value information added by a consultant who has referred to a result of the simulation calculation together with the result of the simulation calculation (para.6-12, 227-229,

and 273-278); money reception means for receiving compensation for a consultant (para.6-12, 227-229, and 273-278); medium that records a program for causing a computer to function as: price estimation means for estimating a price of simulation calculation on the basis of a user presented condition as a simulation condition, calculation capability determination means for determining on the basis of the user presented condition whether the simulation calculation can be executed, comparison means for comparing the user presented condition with a consultant bidding condition for the user presented condition, selection means for selecting a bidding condition that coincides with the user presented condition, inquiry means for inquiring about the simulation calculation is to be executed on the basis of the selected bidding condition; simulation means for executing the simulation calculation in accordance with a result of the inquiry, transmission/reception means for transmitting the inquiry about results from said price estimation means and said calculation capability determination means and receiving the user presented condition, the bidding condition, and answers to the results from said price estimation means and said calculation capability determination means, charging means for charging for the simulation calculation, encryption means for encrypting the inquiry, the user presented condition, the bidding condition, and the answer to the inquiry, and trial calculation means for executing simulation calculation by way of trial for a non-member user (para.6-12, 227-229, and 273-278).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/  
Primary Examiner, Art Unit 3691